

OVERVIEW

American Indian/Alaska Native persons are eligible for all Adult Services and Adult Protective Services provided by the federal and state governments.

Tribes may have Adult Protective Service (APS) codes/laws that provide further protections and services for individuals that are members of the tribe or living on tribal reservation/trust land.

Individuals living on tribal reservation/trust land are under the jurisdiction of the tribal court, law enforcement and social services for certain crimes and misdemeanors (Tribal Law and Order Act [TLOA], 25 USC 2801 et seq).

JURISDICTION

Tribal court, law enforcement and social services have jurisdiction for investigation, removal and conviction of persons on an Indian reservation/trust land for certain crimes and misdemeanors.

State court, law enforcement, and the MDHHS have jurisdiction for investigation and removal of persons off reservation.

NOTE: Tribes may have agreements with MDHHS to provide services on Indian reservations/trust lands such as after-hour agreements; see TAM - Tribal Agreement Manual in the NAA Manual.

AMERICAN INDIAN/ALASKA NATIVE ADULT PROTECTIVE SERVICES INVESTIGATIONS

Caseworkers should determine if a household is on or near an Indian reservation prior to investigating or removing persons for an Adult Protective Services complaint; see [Tribal Service Area Map](#) for counties with tribal reservation/trust land or service area.

Consultation with the tribe located in the county the complaint originated or the client is domiciled should occur to determine if the person is under the jurisdiction of the tribe.

Caseworkers should determine if a tribe has established Adult Protective Service codes/laws that provide further

protections/benefits/services for tribal members. Caseworkers should review tribal websites for tribal codes or contact a tribal social service department/court to obtain copies of applicable tribal codes; see Native American Affairs website <http://www.michigan.gov/americanindians> for tribal websites and/or tribal directory links.

Caseworkers must provide diligent efforts to identify an Indian person and all tribal contacts in the Adult Services Comprehensive Assessment Program (ASCAP) case record/contact logs. All pertinent tribal membership documentation and correspondence should be scanned and uploaded into ASCAP.

Caseworkers must utilize the Adult Services and Adult Protective Services policy for case management; see ASM 100 - 379H.

INDIAN OUTREACH SERVICES (IOS)

Caseworkers including those from placement agency foster care (PAFC) may contact or refer a client to an Indian outreach worker (IOW) located in their county or neighboring county to request Indian Outreach Services. Caseworkers should utilize a DHS-382, Indian Outreach Services Referral, to request Indian Outreach Services for clients; see IOS policy in the NAA Manual for IOS service description and NAA website for [IOS map and contact list](#).

ADDITIONAL SERVICES FOR AMERICAN INDIAN/ALASKA NATIVE PERSONS

Urban Indian organizations may have services for tribal persons living off reservation or trust land; see Native American Affairs website for Urban Indian organization contact lists and services.

Caseworkers should also review the [Frequently Asked Questions \(FAQs\)](#) for other service linkages available for American Indian/Alaska Native persons; see FAQs on the NAA website at <http://www.michigan.gov/americanindians>.

**Tribal Elder
Services Program/
Committee/
Commission/Board**

Tribes may have an Elder Services Program and/or Committee/Board/Commission that clients may access to obtain resources specific to their tribe and/or region.

LEGAL BASIS

Indian Self-Determination and Education Assistance Act, 25 USC 450 et seq.

Tribal Law and Order Act, 25 USC 2801 et seq.

Violence Against Women Act, 42 USC 14043 et seq.